Single Bench (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 155 /2005

PETITIONERS

1. Prakash Shukla,
S/o. Rammilan Shukla,
Aged about 42 years,
Presently posted as
Head Constable No. 85,
Rakshit Kendra, Jagdalpur,
District Bastar (C.G.).

2. Munna Bharadwaj,
S/o. Aghnu Ram Bharadwaj,
Aged about 40 years,
Presently posted as
Head Constable No. 589,
Police Station (SC/ST Welfare),
Jagdalpur,
District Bastar (C.G.).

3. Chaturbuj Singh Thakur,
S/o. Shri Biseshwar Singh,
Aged about 40 years,
Presently posted as
Head Constable No. 782,
Rakshit Kendra, Jagdalpur,
District Bastar (C.G.).

4. Prassan Kumar,
S/o. Nandlal,
Aged about 39 years,
Presently posted as
Head Constable No. 644,
(Reader to CSP), Jagdalpur,
District Bastar (C.G).

5. Nehruram,
S/o. Sukhit Ram Sahu,
Aged about 38 years,
Presently posted as
Head Constable No. 51,
Frezarpur, Jagdalpur,
District Bastar (C.G.).

6. Akhil Sahu,
S/o. Kuru Sahu,
Aged about 33 years,
Presently posted as
Constable No. 751,
P.S. (SC/ST Welfare),
Jagdalpur,
District Bastar (C.G.).

7. Khitendra Sahu,
S/o. Ghasiram Sahu,
Aged about 35 years,
Presently posted as
Constable No. 371,
Rakshit Kendra, Jagdalpur,
District Bastar (C.G.).

8. Pathi Ram Sethia,
S/o. Jagdev Sethia,
Aged about 35 years,
Presently posted as
Constable No. 419,
Police Station (SC/ST Welfare),
Jagdalpur,
District Bastar (C.G.).

9. Praveen Maikhel,
Aged about 40 years,
Presently posted as
Constable No. 580,
Rakshit Kendra, Jagdalpur,
District Bastar (C.G.).

10. Mahesh Das,
S/o. Jugnu Das,
Aged about 40 years,
Presently posted as
Constable No. 486,
Rakshit Kendra, Jagdalpur,
District Bastar (C.G.).

11. Gambhir Singh Bhandari,
S/o. Puran Singh Bhandari,
Aged about 37 years,
Presently posted as
Constable No. 519,
Police Station (SC/ST Welfare),
Jagdalpur,
District Bastar (C.G.).

12. Krishna Kodrpi,
S/o. Bhanu Ram Kodrpi,
Aged about 44 years,
Presently posted as
Constable No. 504,
Rakshit Kendra, Jagdalpur,
District Bastar (C.G.).

13. Panchanand Das,
S/o. Vashudeo Das,
Aged about 45 years,
Presently posted as
Constable No. 885,
Rakshit Kendra, Jagdalpur,
District Bastar (C.G.).

14. Bhupendra,
S/o. Nandan Singh,
Aged about 46 years,
Presently posted as
Constable No. 480,
Police Station Bastar Chowki,
Jagdalpur,
District Bastar (C.G.).

15. Jagdish Panighrahi,
S/o. Dhonmani,
Aged about 38 years,
Presently posted as
Constable No. 621,
(Computer Branch),
Rakshit Kendra, Jagdalpur,
District Bastar (C.G.).

16. Nilambar Sahu,
S/o. Late Shri Satrughan
Sahu, Aged about 38 years,
Presently posted as
Constable No. 157,
Police Station Karpand
Jagdalpur,
District Bastar (C.G.).

17. Ram Naresh Vishwakarma,
S/o. Ramvatar Vishwakarma,
Aged about 44 years,
Presently posted as
Constable No. 122,
(Reader to CSP),
Jagdalpur,
District Bastar (C.G.).

18. Durga Prasad,
S/o. Mangal Ram,
Aged about 45 years,
Presently posted as
Constable No. 1,
Rakshit Kendra, Jagdalpur,
District Bastar (C.G.).

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through the Secretary,
Department of Home(Police)
Mantralaya, D.K.S. Bhawan,
Raipur (C.G.)

2. Director General of Police,
Raipur (C.G)

3. Inspector General of Police,
Bastar Range, Jagdalpur,
District Bastar(C.G.)

4. Superintendent of Police,
District Bastar (C.G.)

5. Superintendent of Police,
District Dantewada(C.G.)

6. Superintendent of Police,
District Bijapur(C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND FOR OTHER SUITABLE WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS

Police, Bastar (C.G.). It is submitted that by impugned

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 155/05 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	24/01/2005 Smt. Fouzia Mirza, counsel for the petitioner. Shri Vinod Shrivastava, G.A. for the State. Heard on I.A. No. 335/2005 for urgent hearing. It is allowed. The petitioners who are working as Head Constables in the Police Department under the respondents have jointly moved this petition on the ground that earlier they were attached to various Police Stations situated in the District of Dantewada in violation of the Circular vide Annexure P-3. The petitioners filed a Writ Petition in this Court which was disposed of vide order dated 20/08/2004 passed in W.P. No. 2440/2004 and by that order this Court had given liberty to the petitioners to submit detailed representation against their order of attachment before the respondents which was to be considered by the respondents within a specified period. Learned counsel for the petitioner submits that in accordance with the above direction, the petitioners have submitted a detailed representation raising their grievances and grounds before the respondents but however, the respondents, instead of deciding the representation on merits have issued the transfer orders vide order dated 07/12/2004 (Annexure P-10) and by these transfer orders, the petitioners now stand transferred to various Police Stations and these transfer orders have been done malafidely just to circumvent the earlier order passed by this Court. I have heard learned counsel for the petitioner and I am of the opinion that vide order of Annexure P-10, the respondents have	

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 155/05 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

simply corrected their earlier mistake of passing the order of attachment in violation of the Circular of Annexure P-3 considering that the transfer is incidence of service and further considering that the petitioners are working as Head Constables under the respondents and in the matters of their transfer it is the discretion of the respondents, I do not see any merit in the petition and the petition deserves to be dismissed and accordingly it is dismissed.

However, counsel for the petitioners at this stage expresses that the petitioners may not be penalized for approaching this Court. It is expected that the respondents shall not take any departmental proceedings against the petitioners for filing this petition.

Consequently, M.W.P. No. 133/2005 and I.A. No. 335/2005 stand disposed of.

With the aforesaid direction the petition is disposed of.

Certified copy as per rules.

Sd/-
Dhirendra Mishra
Judge